

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

SHANE POWELL,

Petitioner,

v.

WARDEN, MARION
CORRECTIONAL INSTITUTION,

Respondent.

CASE NO. 2:14-CV-02089
JUDGE JAMES L. GRAHAM
Magistrate Judge Elizabeth P. Deavers

OPINION AND ORDER

On August 25, 2015, the Magistrate Judge issued a *Report and Recommendation* (ECF No. 6) recommending that Respondent's *Motion to Dismiss* (ECF No. 5) be granted and that this action be dismissed. Although the parties were advised of the right to object to the Magistrate Judge's *Report and Recommendation*, and of the consequences of failing to do so, no objections have been filed.

The *Report and Recommendation* (ECF No. 6) is **ADOPTED** and **AFFIRMED**. Respondent's *Motion to Dismiss* (ECF No. 5) is **GRANTED** and this action is hereby **DISMISSED** without prejudice as unexhausted.

IT IS SO ORDERED.

Date: September 15, 2015

s/James L. Graham
JAMES L. GRAHAM
United States District Judge